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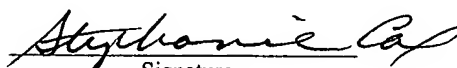
Applicants: Schmidt, et al  
Title: Attenuated Human-Bovine Chimeric Parainfluenza Virus (PIV) Vaccines  
Serial No.: 10/030,544  
Filing Date: June 27, 2002  
Examiner/Unit: Stacy Chen/1648  
Attorney Dkt No.: 2303-40-3

TRANSMITTAL LETTER

CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: ER 534687383 US  
Date of Deposit: August 10, 2004

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TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

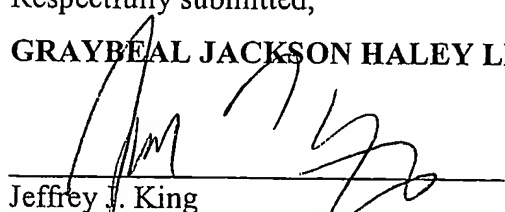
- X   Petition for 2 Month Extension with Check No. 22627 for \$420.00  
  X   Please charge any deficiency fees or credit overpayment to Deposit Account No. 07-1897 for this transaction.  
  X   Postcard

REMARKS

The accompanying Petition for Extension pertains to the Office Action dated March 10, 2004 (Paper No. 20040123) in this application and is submitted to secure copendency of the application to support filing of a continuation patent application, designated by attorney docket number 2303-40-5, filed herewith.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

  
Jeffrey J. King  
Registration No. 38,515  
155 - 108th Avenue N.E., Suite 350  
Bellevue, WA 98004-5901

Dated: August 10, 2004

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## UTILITY PATENT APPLICATION - CERTIFICATE OF MAILING

Inventors: Alexander C. Schmidt; Mario H. Skiadopoulos;  
Peter L. Collins; Brian R. Murphy; Jane E. Bailly; and  
Anna P. Durbin

Title of Invention: Attenuated Human-Bovine Chimeric Parainfluenza Virus  
(PIV) Vaccines

Attorney Dkt. No.: 2303-40-5

### CERTIFICATE OF MAILING OR TRANSMISSION

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### Enclosures:

- Request for Filing Application Under 37 CFR 1.53(b)
- Copy of Prior Application (101 pages)
- Drawings (25 sheets) as filed in Prior Application
- Copy of Declaration and Power of Attorney as filed in Prior Application
- Copy of Sequence Listing and Statement to Support Filing and Submission in Accordance with CFR §§ 1.821 through 1.825 as filed in Prior Application
- Transmittal and Petition for 2 Month Extension with Check No. 22627 for \$420.00 to be applied in prior application
- International Search Report
- Return postcard

**Applicants:** Schmidt, et al.  
**Title:** Attenuated Human-Bovine Chimeric Parainfluenza Virus (PIV) Vaccines  
**Application No.:** TBD  
**Papers Submitted:** Utility Application Recap; Request for Filing Application Under 37 CFR 1.53(b); Copy of Prior Application (101pages); Drawings (25 sheets) as filed in Prior Application; Copy of Declaration as filed in Prior Application; Copy of Sequence Listing and Statement to Support Filing as filed in Prior Application; International Search Report; Transmittal and Petition for 2 Month Extension with Check No. 22627 for \$4200 for Prior Application; postcard

**Received:**  
**Sent:** August 10, 2004  
**Sender:** JJK:dmz  
**Docket:** 2303-40-5

ER534687383US



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BELLEVUE, WASHINGTON 98004-5973  
(425) 455-5575



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GRAYBEAL JACKSON HALEY LLP

22627

DATE August 10, 2004

AMOUNT : \$420.00

PAID TO : Director of the U.S. Patent and Trademark Office

2303-040-03

2303-040-03 2 mos. extension fee Serial # 10/030,544



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Signature

**Present Application:**

Applicants: Alexander C. Schmidt; Mario H. Skiadopoulos;  
Peter L. Collins; Brian R. Murphy; Jane E. Bailly; and  
Anna P. Durbin

Title: Attenuated Human-Bovine Chimeric Parainfluenza Virus (PIV)  
Vaccines

Atty Dkt No.: 2303-40-5

**Pending Prior Application:**

Applicants: Alexander C. Schmidt; Mario H. Skiadopoulos;  
Peter L. Collins; Brian R. Murphy; Jane E. Bailly; and  
Anna P. Durbin

Serial No.: 10/030,544

Filing Date: June 27, 2002

Title: Attenuated Human-Bovine Chimeric Parainfluenza Virus (PIV)  
Vaccines

Examiner Stacy Chen  
Unit: 1648

Atty Dkt No.: 2303-40-3

**REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)**

This is a request for filing a continuation  X , continuation-in-part  , or  
divisional   application under 37 CFR 1.53(b) of pending prior application identified  
above.

1. X A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)
2. X A true copy of the prior application (reformatted to meet PTO specifications) and declaration as originally filed is enclosed. (See Nos. 10 and 11 for drawing requirements.)
3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,  
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed			Number Extra		Basic Fee \$ <u>770/\$385</u>
Total Claims	83	-	20 =	63	X <u>\$18/\$9</u> =	\$1,134.00
Independent Claims	6	-	3 =	6	X <u>\$86/\$43</u> =	\$ 258.00
Multiple Dependent Claims	---	---		\$290/\$145=		0
Total Filing Fee						\$ <u>2,162</u>

4.    Applicant claims small entity status.
5. X No fee is enclosed at this time.
6.    Please charge any deficiency filing fee or credit any overpayment to Deposit Account 07-1897.
7.    Enter the amendment previously filed on            under 37 CFR 1.116 but unentered in the prior application.
8. X Petition for 3 Month Extension with Check No. 22627 in the amount of \$420.00
9. X Amend the specification by inserting after the title the following sentence:  
--This is a X continuation,    continuation-in-part,    divisional of the prior application Serial No. 10/030,544, filed June 27, 2002, which is a U.S. National Phase of PCT/US00/17066 filed June 15, 2000 now published as WO 01/04320, which claims priority to 60/143,134 filed July 9, 1999, the benefit of the filing date of which is hereby claimed under 35 USC 120.--
10.    Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11. X Drawings (25 sheets) identical to those originally filed in the prior application are enclosed.

12. X A copy of the Sequence Listing and Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821 through 1.825 as filed in prior application
13. X Priority of U.S. application Serial No. 10/030,544, filed June 27, 2002, which is a U.S. National Phase of PCT/US00/17066 filed June 15, 2000 now published as WO 01/04320, which claims priority to 60/143,134 filed July 9, 1999, the benefit of the filing date is claimed under 35 USC 120.
14.    Priority of application Serial No.            filed on           , 19  , in    (country)            is claimed under 35 USC 119.
15.    The prior application is assigned to                           , Reel            Frame           .
16.    The original power of attorney in prior application is to:                           , and all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
17.    A second power of attorney in prior application is to:                           . The second power appears in the original papers in the prior application.
18.    An associate power of attorney is enclosed.
19.    Also enclosed: International Search Report w/o references.

Please address all future correspondence to the undersigned at the below address.

Respectfully submitted,  
**GRAYBEAL JACKSON HALEY LLP**

Dated: August 10, 2004

  
\_\_\_\_\_  
Jeffrey J. King  
Attorney for Applicant  
Registration No. 38,515  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5901  
(425) 455-5575

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 00/17066

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/45 C12N5/10 C12N7/00 C07K14/115 A61K39/155

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	BAILLY J.E. ET AL.: "A recombinant human parainfluenza virus type 3 (PIV3) in which the nucleocapsid N protein has been replaced by that of bovine PIV3 is attenuated in primates." J. VIROL., vol. 74, no. 7, April 2000 (2000-04), pages 3188-3195, XP002149310 the whole document	1-83
X	WO 98 53078 A (DURBIN ANNA P ; TAO TAO (US); COLLINS PETER L (US); MURPHY BRIAN R) 26 November 1998 (1998-11-26) cited in the application the whole document see in particular p. 36, lines 15-30. -/-	1-83

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \*&\* document member of the same patent family

Date of the actual completion of the international search

5 October 2000

Date of mailing of the international search report

20/10/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3010

Authorized officer

Galli, I



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/17066

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9853078 A	26-11-1998	AU 7797798 A	11-12-1998
		BR 9809456 A	13-06-2000
		EP 0994949 A	26-04-2000
WO 9314207 A	22-07-1993	AU 3340293 A	03-08-1993
		CA 2126863 A	22-07-1993
		EP 0621898 A	02-11-1994
		FI 943211 A	02-09-1994
		JP 7501707 T	23-02-1995
		KR 208310 B	15-07-1999
		NO 942530 A	05-09-1994
		RU 2123047 C	10-12-1998
		US 6033668 A	07-03-2000
		US 5968776 A	19-10-1999
		US 5998169 A	07-12-1999
		US 6017539 A	25-01-2000

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